

# THE LITVAK LAW FIRM, PLLC

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December 19, 2022

The Honorable Denise L. Cote  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: Google LLC v. Dmitry Starovikov, et al. Docket No. 1:21-cv-10260-DLC

Dear Judge Cote:

I represent defendants Dmitry Starovikov and Alexander Filippov (hereinafter, “Defendants”) in the above-referenced matter. I write this letter to seek your Honor’s clarification of December 6, 2022 Order that referred the parties and their attorney Litvak for settlement discussion via mediation. Dkt. Nos. 135 at 21, 136.

On November 15, 2022, the Court issued a Decision and Order, in which it ordered default judgment against Defendants and imposed monetary sanction in the amount of Plaintiff’s reasonable attorneys’ fees, costs, and expenses associated with litigating the case against the Defendants since March 14, 2022, assessed jointly and severally against Defendants and their attorney Igor Litvak.

On November 28, 2022, I submitted Motion for Reconsideration on behalf of both Defendants and my own behalf, challenging the finding of said Order. While the Court denied our Motion for Reconsideration, it issued an Order that referred the parties and their attorney Litvak for settlement discussion via mediation. Dkt. Nos. 135 at 21, 136. Specifically, your Honor stated that “Litvak and the Defendants will be given an opportunity to resolve the amount of sanctions to be imposed before briefing on that amount is due.” Dkt. No. 135 at 21.

Upon issuance of the Mediation Referral Order, I contacted both Defendants regarding their intention to participate in the mediation and their respective waiver of potential conflict of interest in case they chose not to participate. Both Defendants indicated to me that

they were not interested in the mediation. While I contacted both Defendants in writing regarding their respective waiver of potential conflict of interest, only Mr. Starovikov responded to me by signing said waiver. Mr. Filippov never responded to me and stopped any communication with me. As a result, earlier today I separately filed a Motion to Withdraw as Mr. Filippov's counsel.

Currently, the mediation is scheduled for filing of submissions on December 23 and on the mediation itself for December 29, 2022, and the undersigned intends to participate in the mediation in good faith to resolve the amount of sanctions to be imposed on him. It is therefore requested that the Court clarify its position regarding the undersigned's participation in the mediation on his own behalf only, and such clarification would be greatly appreciated.

Thank you for your attention to this letter.

Respectfully,

s/ Igor Litvak

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Igor Litvak, Esq.

cc: Counsel of Record (via ECF)